One of the most important matters ever before our courts is now pending in both the Superior Court and the Supreme Court, in reference to the much agitated Broadway Railroad.

In the Superior Court the immediate question pending is, whether Judge Campbell's injunction against the Common Council, forbidding them to pass be resolution which authorized the work, was a valid injunction which the members were bound to obey; and whether the latter are punishable for contempt of court for their disregard of it? This question was partly argued before the full bench in general term. on Saturday, and the argument is to be continued next Saturday. It will be remembered that after Judge Campbell's injunction, the Board of Alder-men not only disregarded it, but passed strong resolutions of rebuke to what they treated as an unpreeedented judicial usurpation. Whichever side may have been right, it is an interesting point of jurisdiction now for the first time brought up; and it will be important for parties who may think they are about to be injured by impending resolutions of the Com-mon Council, to know whether they may go to any Judge and shut off the steam of legislative power on the part of the Common Council by the process of injunction; which it is contended would operate as a virtual transfer of the legislative functions of that body to the judiciary. However this may be decided, is will not affect the question of the prosecution of the milroad itself. The aldermen may be held to be punishable for contempt for their disobedience to the injunction, without affecting the validity of the act done by them on their own views of their legal

It is in the other case, pending before the Supreme Sourt, that the main question is involved—whether the prosecution of the work can be stopped by the veto of the court. In that case the injunction is against the Railroad Company, forbidding them to proceed. The injunction having been at first temporary, and granted on application as a matter of course, the question now is whether it shall stand as perpetual, or be dissolved. This case was to have come up yesterday in the Supreme Court, at special kerm, but neither Judge Roosevelt nor Judge Edwards was disposed to act on so important a matter without the presence of a full bench, and consequently it was, by consent of both sides, put off to the first Monday in February, at the general term, when it will be heard before the three Judges-Roosevelt,

Edwards, and Mitchell.

As the Herald is generally more looked to than any other paper to furnish the public an intelligible statement of important pending questions, the following are copies of the affidavits constituting the foundation of the case of the Railroad Company. No pains seem to have been heretofore taken to publish these, though the opponents of the railroad have made their side of the contest familiar to the public.

Against the road, the main points seem to be, that the grant was corrupt on the part of the Common Council, and not made in good faith; that the Com. mon Council had no power to make it, (a question which involves the validity of all the other grants o city railroads, past and present); and that if they had the power, it was an unwise exercise of it, as the rail road would be a public evil and a nuisance, and very detrimental to the business and property of Broadway; and further, that it was granted at a nominal license fee per car, in disregard of large offers of bonuses, or license fees, to the city treasury, from responsible

On the other side, the railroad company contend that it was a wise, proper, and upright act of legislation; that it will be a great relief to Broadway, and a general public benefit; that it will be no exclusive use of the middle of the street; that those offers of bonuses were mere sham devices of enemies of the work, put forward for the avowed purpose of heading off the real sincere applicants, and of getting the grant into hands that stood ready to smother it by legal proceedings; and finally, that even if those offers had been sincere, yet still the terms on which it was undertaken by the company which had first applied for the grant, and had conducted the public controversy in its favor, were such as in truth were better and more advantageous to the city, than the said offers of bonuses.

As there is much difference of opinion on this general subject, and the case of the railroad company has not before been fairly laid before the public, the following are the affidavits on which they make out this case. It is but fair that they should be read and candidly considered, even by those who may be most opposed to the company or the measure.

It will be seen from the first affidavit, that every member of the railroad company solemnly denies, under oath, that any member of the Common Council has been under any corrupt or improper influence in regard to his vote.

They also show that they were the only parties who had taken the step of providing for withdrawing the bulk of the omnibuses from the street; having engaged to buy out six of the principal lines, controlled in the step of providing for withdrawing the bulk of the omnibuses from the street; having engaged to buy out six of the principal lines, controlled in the step of providing for withdrawing the bulk of the omnibuses from the street; having engaged to buy out six of the principal lines, controlled in the step of providing for withdrawing the bulk of the omnibuses from the street; having engaged to buy out six of the principal lines, controlled in the ste On the other side, the railroad company contend

who had taken the step of providing for withdrawing the bulk of the omnibuses from the street; having engaged to buy out six of the principal lines, comprising not less than 241 omnibuses, at a cost of nearly half a million of dollars, with a view to transfer them to transverse lines from river to river, and at the same time provide just indemnification to their proprietors; and that the five cents which they are also to sween the whole street every on any other.

They are also to sween the whole street every

on any other.

They are also to sweep the whole street every They are also to sweep the whole street every morning, before 9 o'clock in winter, and s in summer; to keep the middle of it in repair; to keep police attendant at every crossing to help passengers in and cut; and are restricted from crowding their cars with standing passengers; which conditions are estimated to cost much more than any of the bonus

It cannot be denied that these documents make at cannot be denied that these documents make out a strong case in favor of the railroad company, and of the grant to them, notwithstanding all the outery that has been raised against them. Let us wait and see what the courts will decide, and what the Legislature may do, because they too have been invoked to thrust their long finger into the pie. Meanwhile, let all sides have a fair hearing and candid judgment.

Superior Court.

Thomas E. Davis and Courtlandt Palmer against the Mayor, Aldermen, and Commonalty of the City of New York—City and County of New York—Jacob Sharp, Freenan Campbell, Win. B. Reynolds, James Gaunt, I. Newton Squire, Win. A. Mead, David Woods, John L. O'Sullivan, Win. M. Pullis, Jonathan Rowe, John W. Hawkes, James W. Faulkner, Henry Dubois, John J. Hollister, Preston Sheldon, John Anderson, John R. Flanagan, Sargent V. Bagley, Peter B. Sweeney, Charles B. White, James W. Poshay, Robert E. Ring, Thomas Ladd, Concklin Bharp, Samuel L. Titus, Alfred Martin, D. Randolph Martin, Win. Menzies, Charles H. Glover, and Gerston Cohen, being severally sworn, say, each for himself, that, to the best of his knowledge, information and belief, no member of the Common Council has now, or has ever had, any interest, direct or indirect, in the grant to these deponents of the right or privilege of constructing a railway in Broadway; nor has any of them ever received, been promised, or given to expect, any money, property, or reward of any kind, for his vote, countenance or influence in favor of the said grant.

John Anderson.

the said grant. Jacob Sharp,
Freeman Campbell,
W. B. Reynolds,
James Gaunt,
I. Newton Squire,
Wm. A. Mead, David Woods, J. L. O'Sullivan Wm. M. Pullis, Jonathan Rowe, John W. Hawkes James W. Faulkner, Henry Dubois, John J. Hollister,

John Anderson. J. R. Flanagan, S. V. Bagley, Peter B. Sweeney, Charles B. White, J. W. Foshay, Robert E. Ring, Robert E. Ring, Thomas Ladd. Concklin Sharp, Samuel L. Titus, Alfred Martin, D. Randolph Martin, Wm. Menzies, Charles H. Glover, Gershon Cohen, States Courts, against the prosecution of the said grant, the said Courts not being bound by the law respecting city railways already declared by the Supreme Court of this State; and that counsel had been consulted, and papers prepared therefor, a considerable time before the passage of the grant in the Board of Aldermen. That another (Mr. Davies) had concerted with the leading representatives of the omnibus opposition to the said application, that they should both allow counter-offers and applications for the grant to stand before the Common Council, and that which ever of the two should get it, (namely, whether Mr. Davies, with his associates, Messrs. Haight, Storms, and others, or the omnibus proprietors), it could then be killed by injunction, the understanding being, that the party should get it, on their pending offer, they would transfer it to the omnibus proprietors, with that view. And again, that after the report of the committee of the Board of Aldermen, (in favor of the measure and of the application of the defendants.) another of the said leading opponents, (Mr. D. Henry Haight.) had gone to the chairman of said committee, (Alderman Startevant.) and had complained that the said report was unfair, and placed him (Haight) in a ridiculous light in this respect, namely, by referring to the applications for the grant which had proceeded from the former opponents of the projected railway, and by deducing therefrom an argument in favor of the said project; that the said Haight then said to the chairman words to the following effect: "You know that I don't want any railroad, and you ought to have known, and I have no doubt did know, that the nolly object of the application was to kill it.' And this understanding and conviction, respecting the true character and object of the said counter applications, were not at all affected by the circumstance, that they are not application to contracts or engagements, the performance of which was to be arrested by legal bejunction. And therefore these deponents and thei

intervals, from river to river, to run in communication with the railway; contracts to an amount of nearly half a million of dollars, and leading to still greater outlay. Because this course was a measure of justice and proper public policy in itself; a necessary condition for the successful working of a railway in Broadway at all; a great calancement of the public accommodation, which would be afforded by a railway on the line of Broadway; and leading to great improvement in the taxable values of all property on the cross-streets and lateral regions of the city, which would be traversed and accommodated with these useful public facilities; and because the care of the applicants, with whom these deponents were connected, was the only one which

deponents were connected, was the only one which presented itself before the Common Council with this important and valuable feature—a feature greatly surpassing in importance and value the offers of Lonuses contained in any of the aforesaid counter offers even if there had not existed the cogent rea-

Preston Sheldon.

Gershon Cohen.

Sworn before me this 19th, 11th, and 12th days

of January, A. D. 1853.

SYLVESTER LAY, Commissioner of Deeds.

SYLVESTER LAY, Commissioner of Deeds.

SYLVESTER LAY, Commissioner of Deeds.

City and County of New York.—Jacob Sharp and John L. O'Sullivan, both of the city of New York, being severally duly sworn, say:—That the said Jacob Sharp is the President, and the said John L. O'Sullivan is the Vice-President, of the Broadway Railway Association, an association formed pursuant to the resolution of an alway in Broadway; and that they have had cognizance generally of the proceedings to obtain permission of the said Common Council to construct the said railway, and to organize said association. That, in the opinion of these deponents, the construction of said railway, according to the terms of the said resolution, will not only not be a nuisance, but will be a great public benefit, both to the persons living and doing business on Broadway, and to the citizens generally; and that the following are some of the reasons for such opinion:

Broadway is now so crowded with vehicles, particularly at certain hours of the day, as to lead to excessive confusion and danger, and frequently to great detention, and injury to person and property. The annexed tables exhibit the facts therein set forth, according to observations which these deponents caused to be carefully and faithfully made, at two

some before mentioned, for distrust and disbellet of the sincerity of those counter offens.

Swern to before me, this 17th day of January, 1833.
C. B. Wheeler, Commissioner of Deeds, Navy, 1833.
C. B. Wheeler, Commissioner of Deeds, Navy, 1833.
C. B. Wheeler, Commissioner of Deeds, Navy, 1833.
C. B. Wheeler, Commissioner of Deeds, New street.

City and County of New York:—Robert Barkley, being sworn saith, that while the application for the Broadway railway was pending before the Common Council, he had frequent interviews with Thomas A. Davies and Philip Burrowes, active opponents of the said railway, this deponent being then himself also an opponent of the same. In some of these interviews and the said railway, this deponent the United State, in order that an injunction against the railway might be obtained in the United State Court. In previous interviews, during the last summer, he told deponent that the papers were ready for an injunction against the road, and were then in the hands of counsel, and that the injunction was all prepared. And this deponent further saith, that he was cognizant generally of the prince of the part of the practical properties of the prostile of the party for the party of the pa

different periods, namely, August and October of last year travel on Broadway urgently naced the prevision of some improved means of conveyance, which shall move it in a reduced number of vehicles, and with a less occupation of the street. The complement of an omnibus is usually twelve passengers. The grant in question authorizes the construction of cars comfortably adequate in dimensions to the conveyance of eighty passengers, and these deponents are informed and the forest, and will leave, generally, on each side space within which two carriages can move abreast; besides, that the rails will afford no impediment to the free movement of vehicles across and upon the middle portion of the street. The maximum number of down passengers now conveyed in an hour, according to the statistics observed and already referred to, being 2.016, and the maximum humber of down passengers and the statistics observed and already referred to, being 2.016, and the maximum humber of statistics of sixty passenger capacity which would move the same, would be, in the one instance, 28, and in the other instance, 35, and in the other instance, 36, and in the other instance, 36, and in the other instance, 36, and in the other instance, 35, and in the other instance, 36, and in the other application when the amount of the travel, analysis, and an advantage of the instance of the state of the stat

ance of which application the said permission has been granted to them and their associates, to superintend and direct, fit the months of July, August, September, and October last, the business of circulating petitions for signature in favor of said project and application. I accordingly employed agents or canvassers for that purpose, and received from them, respectively, from time to time, their returns of signatures procured to such petitions or memorials. In pursuance of the instructions received by me from my employers, I gave to all of the said agents strict, and frequently repeated instructions, to present such memorials for signature only to legal voters, so far as it should be in their power to distinguish the same, with the sole exception of authorizing the taking the names of females, who should be the tenants or occupants at the head of stores or houses on the line of Broadway, to receive none but bona fide names of petitioners, and to employ nothing but fair and truthful representations in applying for signatures, and to append in all cases the residence to each name. In order to prevent the existence of any motive on the part of the said agents to multiply names on such memorials untruly, their compensation was not made proportional to the number of names procured by them, but it was fixed per diem, according to their time occupied. Respectable persons were selected for the said employment, and from their assurances, from time to time given to me, and from the opportunity for observation afforded by my position, as directing and supervising the said business, I have no doubt that these instructions were faithfully and systematically executed, with as small a number of occasional possible deviations therefrom as is consistent with such an operation on so large a scale. The said canvassers in general reported to me, as the result of their several observations, a growing progress of opinion found by them to take place in favor of the projected railway, many changes of opinion taking place in its favor

HENRY B. DAWSON.
Sworn before me, this 13th day of January, 1853.
Wm. H. Sparks, Commissioner of Deeds.

City and County of New York:—Edwin Smith, of the said city, being sworn, saith, that he is by pro-fession a civil engineer, and has been much engaged in the laying of railways in the city of New York, the said city, being sworn, satur, that he is by profession a civil engineer, and has been much engaged in the laying of railways in the city of New York, and that he, as engineer, has superintended the construction of the Sixth and Eighth Avenue Railroads, and the re-laying of the Harlem Railroad, from the City Hall Park to Twenty-seventh street; if all the materials were procured and ready, the railway in Broadway, from the Battery to Union square, could, by proper disposition of the force, be laid in two months from the time of first breaking the pavement, and this can be accomplished without serious interruption of the travel, as the space to be taken up need not exceed fifteen feet, and there will be room left on each side generally sufficient for carriages to pass each other. The Russ pavement on each side of the fifteen feet opening need not be disturbed, and the space taken up can be restored in as good condition as before. This depount measured the carriage way of Brondway at all the intersecting streets on the tenth day of January instant, and found the width at Morris street to be forty-four feet nine inches, at No. 39 Brondway, forty feet six mehes; at Exchange place, thirty-ent feet; at Rector street, thirty-four feet four inches, this being the narrowest point found. At Wall street the width was thirty-five feet in the inches; at Pine street, thirty-cloud feet; from Warren to Reade street, forty-two feet; from Leonard to Canal toot the Arren street, forty-two feet; from Danne to Anthony street, forty-two feet; from Leonard to Canal street, forty-two feet; from Leonard to Canal street, forty-two feet; from Benezker street, forty-two feet; from Danne to Anthony street, forty-two feet; from Leonard to Canal street, forty-two feet; from Danne to Anthony street, forty-two feet; from Danne to Anthony street, forty-two feet; from Leonard to Canal street, forty-two feet; from Danne to Anthony street, forty-two feet; from Danne to Anthony street, forty-two feet; from Danne to Anthony street, forty-two feet

which cars can be drawn by two horses. The rail laid, in accordance with the provisions of the said resolution, being even with the pavement, and having a groove not exceeding an inch in width, will, in my opinion, offer no impediment or inconvenience to any ordinary vehicle passing on Broadway, there being no wheels used on common light carriages less than an inch wide, and most of them being an inch and a quarter wide, except light racing wagons and sulkeys. In the judgment of this deponent, having regard to the number of passengers seeking conveyance on Broadway, and the number of vehicles now crowding there, the substitution of cars, under this resolution, for omnibuses, will be a certain relief to Broadway and benefit to the public.

EDWIN SMITH.

Sworn, January 13, 1853, before me, W.-H. Stogdill, Commissioner of Deeds.

City and County of New York:—Charles Turner.

Sworn, January 13, 1853, before me, W.-H. Stogdill, Commissioner of Deeds.

City and County of New York:—Charles Turner, of said city, being duly sworn, doth depose and say, that he is the Deputy Street Commissioner of said city, and has been so for three years last past; that he is generally cognizant of the titles of the corporation of the cityfof New York to the streets in said city; that, as he has always understood and believes, the fee of the whole of Broadway is in the corporation of said city; that the said corporation, from the time that this deponent first went into said office to the present time, has had possession of and exercised the ownership in fee of the whole of said street. That it is the invariable practice of the owners of lots fronting on said street, who dig under the street, to apply to the corporation authorities, by whom permission is, in proper cases, granted for that purpose, and upon the payment of a consideration for such permission; and, further, that no pipes are suffered to be laid in said street, without a permit granted from the said authorities. And deponent further saith, that, by permission of the corporation of said city, pipes have at various times been laid in said street, to wit, the Manhattan water pipes. Croton water pipes, and the gas pipes, and that the right of the said corporation to grant or withhold such permission has always been claimed, and never denied, to the knowledge, information or belief of this deponent; and further saith not.

Chas. Turner, Dep. Street Com.
Sworn to before me, this 13th day of January, 1853, M. G. Hart, Commissioner of Deeds.

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Here follows a carefully prepared abstract of the title of the corporation to the land embraced in Broadway, made by Murray Hoffman, Esq., and verified by his affidavit. This abstract establishes the clear and unquestionable title in fee of the city to every foot of land in Broadway. The claim of title is perfect from the first colonial grant, in 1886, to the present time. As the conclusions of the abstract

lic are intere it at length.

lie are interested, it is deemed unnecessary to inser it at length.

City and County of New York:—John Anderson being sworn, saith, that he was one of the original applicants for the Broadway Railway, and is one of the present associates. In the Board of Aldermen, the matter was referred to a special committee, before whom a public discussion took place, which lasted nearly a month, and, in the course of the discussion, the following opinions of the Counsel to the Corporation, of the President of the Croton Aqueduct Department, of the late Street Commissioner, and of a former Comptroller of the city, were produced before the committee, on the part of the remonstrants against the grant.

Sworn before me, this 14th day of January, 1853, W. H. Sparks, Commissioner of Deeds.

OPINION OF HENRY E. DAVIES, ESQ., COUNSEL TO THE CORPORATION, AND OTHERS, IN REFERENCE TO THE FOWERS OF THE CORPORATION IN ESTABLISHING CITY BAILEOADS.

NEW YORK, March 3, 1851.

New York, March 3, 1851.

Assistant Alderman Thomas J. Barr.—

Dear Sir—In answer to the questions submitted to me in your note of the 27th ult., I have the honor to state: That the first question propounded has been, in my judgment, most fully and satisfactorily answered affirmatively, in the decision of the Supreme Court of this district, in the case of Drake and others vs. the Hudson River Railroad Company. (See document No. 10 of Board of Aldermen, January 28, 1850.) In that case the question was fully discussed by eminent counsel, and thoroughly examined by the court, whose decision was accompanied by a learned and elaborate opinion. The reasons of the court upon this point are deemed to be perfectly conclusive, and the question may be considered as set at rest. The court say, (see p. 218 of said document,) "railroads are of recent introduction; but their great and acknowledged advantages over all other modes of travel and land carriage have gained for them a popularity which has brought them into extensive use, and is constantly yet further extending their adoption. The actual existence of them in other cities, and the example of the Harlem Railroad in our own city, which has been in successful operation for several years, under our own eyes, conclusively show that the use of them in the streets of a city, if properly guarded and regulated, is perfectly compatible with the trusts of public streets, and the simultaneous use of those streets by other carriages and vehicles, and for all the purposes to which public streets are dedicated. In reference to the second question, I do not find that any authority has been vested in the corporation to establish and maintain railroads, and the decision of the Court of Appeals, in the case of Halstead vs. The Mayor, &c., of New York, (3 Comstock's Reports, page 430,) settles the question, that municipal eori orations can exercise no power or contract any obligations not authorized by law. To satisfactorily answer your third question, it will be necessary to briefly in of this city, under its general powers, and how far it is consistent with such power to exact a bonns or general compensation for the grant of the privilege to use such streets in a particular manner, and if upon such examination the authority is not found to justify such exaction, whether under the special statutes of the Legislature relating to the use of the streets by public vehicles, rail cars may be classed so as to be subject to their provisions. It should be observed at the outset, that where it was attempted or designed in any of the charters of the city to grant any right of privilege for the private beneft or emolument of the corporation of the city, the language employed for that purpose has been as clear, explicit, and unmistable in its character, as that adopted in the usual conveyances of real estates from one individual to another. By the charter of 1730, "the rents, issues, profits, fees, and other advantages arising and accruing from the ferries then established, and to be thereafter established around New York island, were granted to the Mayor, Aldermen and Commonalty of the City of New York, and their successors for ever, to have, take, hold, and enjoy the same to their own use, without being accountable for the same, or any part thereof," By similar grant the corporation hold the public markets, the wharves, piers and slips of the city, and other important rights and privileges affecting the public interests, and they are vested in the city as free from legislative or other interference, as the fee of land in a private owner, as was fully established in the recent attempt, on the part of the Legislature, to wrest from the city its vested rights in relation to the ferries in the East river. Now, the language used in the charter in relation to the public streets, is of a very different character. It is, that "the Common Council shall have the power to establish, direct, lay out, after, repair and amend streets, lanes, alleys, highways, water courses and bridges, throughout the city and island vellers there." Without occupying any space with reasoning to show that this grant to establish, &c., the public streets, for the convenience and necessi-ties of the inhabitants and travellers of the city, con ferred upon the corporation no private property, or right to derive revenue therefrom, it will be sufficient to quote the language of Chancellor Kent upon this subject. In his treatise upon the powers of the corporation, he says: "This is a grant of a public nature, withsubject. In his treatise upon the powers of the corporation, he says: "This is a grant of a public nature, without any private interest, or property, or revenue, connected with it." (City Charter and Kent's Notes, new ed. page 236.) The act of 1813, reducing the several laws relating particularly to the city of New York into one act, provides that the land taken for the opening of streets, avenues, and squares, laid out by the commissioners for laying out the city into streets and avenues, and all the lands required and taken for forming and opening streets, avenues, squares, and places in the parts of the city laid out by the said commissioners into streets, avenues and squares, should, when taken for any parts of the said purposes, be vested in "the Mayor, Aldermen and Commonalty of the said city, who should become seized of the same in fee, in trust for the uses and purposes of public streets, avenues and squares." (Section 278 of the act of April 9, 1813, relating to the city of New York.) Thus it will be seen, from these two authorities, and they constitute the source from which all the general powers of the corporation in relation to the streets of the city flow, that the grant is for the benefit and advantage of the public, and that the corporation are mere trustees for the purpose of securing the free use and enjoyment thereof, for the purpose of public travel. (See Drake and Others vs. The Hudson River Railroad Company, before cited.) Adopting the views and construction of Chancellor Kent, it therefore appears that the cor-Others vs. The Hudson River Railrond Company, before cited.) Adopting the views and construction of Chancellor Kent, it therefore appears that the corporation cannot, by virtue of its original grant by charter, use the streets for its private interests, or as its projecty, or as a source of revenue, and the act of 1813, pursuing the same policy, and vesting the fee of the lands in the public streets in the corporation, only in trust for the uses and purposes of public streets, that no private ownership has been vested in the corporation, and that no revenue or profit can be derived under its provisions. By the 272d section of the act of 1813, and the act of February 21st, 1824, chap. 50, the Mayor of the city is authorized to license the owners of hackney coaches and carriages for hire, under the direction of the Cennon Council, and who are to pay an annual sum for the same. Here it may be observed, that the action of the Legislature, giving the Common Council power to be a public vehicle of an impor-

tant legislative exposition of the powers of the corporation in respect to the streets. In the Common Council possessed the right to do as they pleased in regard to the streets, and to demand a bomis or compensation for privileges connected therewith, would it not have been altogether idle and unnecessary to invest them, by a special act of the Legislature, with power to exact charges for license? The obvious and necessary inference of this legislative action is, that power was wanting, and if these acts are stricken from the statute book, the corporation could not tax any coach or carriage for the use of the public streets. It might also be observed in this connection, that the charges for ilcenses, permitted by the acts cited, do not appear to be granted as sources of revenue, but simply as a remuneration for the damage or injury occasioned by the special use of the streets by public vehicles. No charge is authorized in reference to private carriages, but the power is limited to those vehicles that are constantly being driven upon and over the pavements. The charge is analogous to that demanded and received by the corporation for permits to build value under the streets. It was found that when the pavement was taken up for such purpose, it was so unskilfully and carelessly replaced as to require an expenditure on the part of the city to put it in its former condition; and to indemnify the city against such expense, the owner is required in all cases, on obtaining a permit to build a vault, to pay a stipulated sum to the Street Commissioner, as indemnify for the expenses found to be consequent upon the exercise of the privilege granted. The section of the act of 1813, and the provisions of the act 1824, referred to, contain all the authority enlarging the powers of the corporation in respect to the use of the streets, and the compensation which may be required, that I am able to find. It will be necessary, therefore, that arial cars should commiss the pass of the provisions of the act 1823, and they were under

ESQ., PRESIDENT OF THE CROTON AQUEDUCT DE-PARTMENT, AND JOHN T. DODGE, ESQ., STREET

ESQ., PRESIDENT OF THE CROTON AQUEDUCT DEPARTMENT, AND JOHN T. DODGE, ESQ., STREET
COMMISSIONER, IN FAVOR OF CITY RAILROADS.

New York, March 7, 1850.

Gentlemen—The pressing details of official duty
leave me little time for reflection upon any subject
not connected with those duties, and still less for putting them on paper; but having for years past had
my attention directed to the subject of railroads in
the streets of the city, I avail myself of the invitation your letter affords, to put the results to which
I have arrived before you. The form of our island is
such that the city can grow in but one direction; and
as the population is, by its expansion, removed
farther from the centre of business, means of transportation to and from that centre become yearly more
and more important, and the inadequacy of the omnibus system to effect the object is exhibited in a
most convincing manner. The great thoroughfares
are now crowded with them to a dangerous extent;
and yet at morning and evening, especially during
storms, it is only those at the two extremes of
the line who can hope to get a place in one,
leaving the intermediate residents wholy unaccommodated. Nor is it possible, owing to the
small number that can be seated in each—only
twelve—to put enough of them on the leading small number that can be seated in each—only twelve—to put tenough of them on the leading streets, especially in Broadway, to do the requier of service, without excluding every other vehicle from it. But for the relief given to Broadway about Union square, and in that vicinity, by the cars of the Hariem road, the truth of the last proposition would have long since become apparent. Railroad cars can be made to accommodate comfortably from forty to fifty persons—need not occupy for a double track more than twelve feet of the street—and are in all particulars so much more desirable a means of transit than an omnibus, that many of our business men in Wall street, and below it, have, for years past, walked to and from the cars at the Park, in preference to taking an omnibus, though it passed the doors of their residence and place of business both. For these and various other reasons, (some of which are hereinafter stated.) I have long believed, and do now believe, that the great interests of the city, and the convenience of its inhabitants, alike require the substitution of said cars for omnibuses in some of our leading avenues. How many of them should be constructed, the mode of construction, and the locality of each, are matters of legislation calling for careful consideration. Havestrong doubts whether the cars should be permitted to pass below Chambers street. It would be no hardship to walk from thence to Wall street; and if it were, its tendency would be beneficial, in gradually drawing business from the extreme point of the island upwards, and local the termini of these mils. Every step taken for the last quarter of a century by our city government, has, unfortunately, led divertly to crowd and circumstributes and the summary of the continuation of the street of the water sufficient to accommodate our mercantile marine; ferries have been increased and are increasing—while lines of omnibuses have been expended in opening streets there, and it actanding piers and building builkheads to get a depth of water suff

to devote to it, this letter would have produced good results.

Respectfully, gentlemen, your friend and servant Messirs. Sherman & Pettigrew. Nicholas Dean.

New York, March 27, 1850.

Messire. Sherman & Pettigrew.— Nicholas Dean.

Messire. Sherman & Pettigrew.— Nicholas Dean.

Messire. Sherman & Pettigrew.— On the calling my attention to your plan of rail track for Broadway, and asking my opinion of it, in view of the obstructing or facilitating the general use of the street for travel. This, I believe, is the substance of your queries. From an examination of your plan for the rail, I think no objection can be made to it on the score of interference with the general travel; the groove being but three-quarters of an inch in width at the surface, and diminishing from that, would permit of vehicles running upon it, or crossing the track at any angle, without any injury. An important point to be considered under the head of obstructions is, whether carts engaged in depositing or removing merchandise from the business portions of the street can do so without being hindered by the passage of cars. The carriage way of Broadway, from curb to curb, is about forty feet in width, and your double track, with cars upon it, will occupy, during their passage, thirteen feet, as laid down upon your plan; this will leave between the curb stones and cars a distance of thirteen and a half feet; a cart backed against the curbstone will require about thirteen feet, leaving ample room for the passing of your cars, without interference with persons engaged in the delivery of merchandise. With regard to the general travel, while the rail track may be rode upon or crossed in any direction without injury to private vehicles, I am of opinion that the effect of the track will be to throw open the travel uniformly to the right and left; thus rather promoting than inferfering with the facilities of movement; the serious stoppages and delays now encountered in passing through the lower part of Broadway would thus be avoided. I am of opinion

APPAIRS IN MEXICO.

Message of His Excellency Mariano Arista, President of the Republic of Mexico, at the Opening of the General Congress, in Ordinary Session, January 1, 1853. GENTLEMEN OF THE SENATE AND HOUSE OF REPRE

GENTLEMEN OF THE SENATE AND HOUSE OF REPRE-SENTATIVES:—
It has now become my duty, founded upon the provisions of the constitution, to address you from the same place where, with profound religious con-viction, I once strove to maintain it. Such an event as this may, perhaps, pass by unperceived and un-noticed, drowned, as it at present is, by circum-stances absorbing public attention; but when these will have passed away, and calm, unprejudiced atten-tion will be brought to bear upon the acts of the powers of the State, it will be judged in a far different manner.

will have passed away, and calm, unprejudiced attention will be brought to bear upon the acts of the powers of the State, it will be judged in a far different manner.

Among us social evils are organic. Everything appears to be as contradictory and heterogeneous as the races which now people our territory; and in the obstinate struggle now going on between progress and reaction, it seems as though no power could be firmly seated, and as though our only normal situation were a state of perpetual anarchy.

From this unhappy condition proceeds, in my opinion, the inefliciency of which we are incessantly and indiscriminately accused. The remedy of our present ills does not lie in sagacious accusations and barren reproaches; but, on the contrary, in unanimous, persevering, energetic efforts. These, and these only, can get the upper hand of a state of things threatening imminently to involve the most sacred interests of nations that have honored us all with their confidence.

Intimately persuaded as I have been, and still am of these sublime duties, my unwearied efforts have been directed towards the preservation of the public peace, founded upon the institutions that now govern us. When I began to take part in public affairs the American flag floated above this same palace, and the army, which must be considered as the defender of our liberties, was reduced to a few deperminated, disheartened troops. Almost without arms, without any concert in their movements, our soldiers had been denounced as demoralized, and unworthy of their mission. Our revenue was totally annihilated. Our treasury consisted of the price of the territory we had lost; and our foreign affairs presaged ruin in the future, while they told of humiliation in the past. Now, although the country is deeply moved by effects not resting on patriotic feeling, our institutions still maintain themselves, and our unanimous, decided, hearty efforts will doubtless save them. Yes, this conquest of civilization and progress will be saved, the efforts of the foes

ny, from the number of the troops to the de tails of their clothing, and from the extraordinary amelioration in their equipments to matters immediately connected with moral improvement and dis

cipline.

Our foreign affairs present a flattering aspect. The cabinet has devoted much attention to the favorable termination of such matters as were pending; and that concerning the communication of the oceans—a question whose solution is expected with anxiety by the mercantile, and, it may be, political interests of the world—will doubtless, terminated by your two bodies, give to the world a solution worthy of the country. the country.
The duties and labors of the Department of Jus

The duties and labors of the Department of Justice are of unusually great importance. The important objects within its sphere—such as public instruction and morality, intercourse with the clergy, improvements in the prisons—have made extraordinary steps, and propositions are shortly to emanate from the Secretary of the Department, certainly worthy of your attention.

The question which more than any other has attracted attention, is that of the interior, which has resumed in itself, and given birth to, all our other difficulties and troubles.

The question which more than any other has attracted attention, is that of the interior, which has resumed in itself, and given birth to, all our other difficulties and troubles.

During the period of extraordinary sessions, which has just passed, after Gongress had been installed three days, the executive explained all the steps it had taken, urgently requested that explanations might be asked, and presented a diminished deliciency in the treasury, exact accounts, and a strict system of economy. This last, if brought into effect, would convert the ordinary deficiency in the revenue to the short sum of two millions of dollars.

To meet the exigencies of the present, a loan was proposed, and as a guarantee, a general contribution augmenting the direct imposts throughout the republic. This was considered by the administration as a resource which, if not sufficient, would at least have been of some utility. These suggestions did not, however, receive your approval.

The government received a general authorization to negotiate a loan of six hundred thousand dollars, and this authorization was returned to the houses, not as barren, but because its realization was not compatible with the principles of the cabinet.

The revolutions have rendered the life of our treasury still more precarious; and you will not, gentlemen, hear that any act of extortion has been committed, either with persons or classes. In a word, we have acted in a manner not unworthy of your confidence. You yourselves have very many times expressed your satisfaction on this point.

Every time that the hopes of the government have been frustrated, it has returned to you, as the fountain-head of its authority, and as the arbiter of the fortunes of the country. Now that the configaration of the republic is maliciously exaggerated, sufficient resources would, in a brief period of time, remedy the evil. To apply these is the duty of the executive; to censure it for not doing more, is to blame it for not walking when its limbs are firmly bound.

Although t

signed to resolve internal difficulties, of the highest importance.

The foregoing expose of the labors of the executive appears at present to be desired by the situation of the country. We see the social body in the convulsions of social war, and it is not proper, under such anspices, to judge of men and of things.

Representatives of the nation, the men holding thereins of power are nothing when compared to the country at large. Interpret its sovereign will. The decision coming from the law I shall be the first to upheld, even as I have ever been, with the almost constancy and energy, the first to repress rebellion. Let us unite our efforts, for our interests are the same; and may Providence save, by means of you, the country freed by Hidalgo and iturbide.

United States District Court.

United States District Court.

Before Hon, Judge Bettis.

JAN, 18.—A few rebrus of process were made. The Judge said, that as Judge Hall, who had been sitting in this Court for some days past, was obliged to leave fown, and no other Judge coming on to take his place, the District Court would be adjourned until Saturday. He, Judge Betts, would probably be occupied for the remainder of the week in the trial of criminal cases, in the Chrunt Court. The District Court was then commend as Id Saturday.